

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

April 18, 2005

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Morrison, Associate Justice; and Rios, bailiff.

C044063 BARCLAY v. JESSE M. LANGE DISTRIBUTOR, INC.

Cause called. Daniel U. Smith argued for appellant and submitted additional citations. Brendan J. Begley and Russ J. Wunderli argued for respondent and submitted additional citations. Cause submitted.

At 10:07 a.m., the court recessed. At 10:11 a.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Cantil-Sakauye, Associate Justice.

C047156 KILLEBREW v. JOHNSON

Cause called. Carol Killebrew argued In Pro Per as appellant. Richard Thomas argued for respondent. Cause submitted.

At 10:36 a.m., the court recessed. At 10:38 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C047285 SOMERS v. AUGIAS CORPORATION, INC.

Cause called. Gregg S. Garrison and Stanley J. Hodson argued for appellant. Scott A. Coben argued for respondent. Cause submitted.

At 10:51 a.m., the court recessed. At 10:55 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C046153 COUNTRY EGGS, INC. v. A.G. KAWAMURA et al.

Cause called. Brian C. Leighton argued for appellant. Linda Berg, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:21 a.m., the court recessed. At 2:01 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Hull, Associate Justice.

C047658 SMALLEY v. BATY, JR., et al.

Cause called. Mark Steidlmayer argued for appellant. Brendan J. Begley argued for respondents. Cause submitted.

At 2:23 p.m., the court recessed until 9:30 a.m., Tuesday, April 19, 2005.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

April 18, 2005, continued

- C045839 THE PEOPLE v. PHELPS (Not for Publication)**
The conviction is affirmed and the matter is remanded to the trial court for further proceedings consistent with this opinion.
MORRISON, J.
We Concur: Scotland, P.J.
Butz, J.
- C046500 THE PEOPLE v. DAVIS (Not for Publication)**
The judgment is modified...
... The trial court is directed to forward a certified copy of the amended abstract to the Department of Corrections.
MORRISON, J.
We Concur: Scotland, P.J.
Raye, J.
- C048869 TONIA G. v. SUPERIOR COURT OF SACRAMENTO COUNTY and SACRAMENTO COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES (Not for Publication)**
Let a peremptory writ of mandate issue directing respondent superior court to vacate its order denying petitioner services and to enter a new order granting six months of reunification services.
DAVIS, Acting P.J.
We Concur: Raye, J.
Hull, J.

April 19, 2005

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Raye, Associate Justice and Facey, bailiff.

- C047518 CALIFORNIA STATE AUTOMOBILE ASSOCIATION INTER-INSURANCE BUREAU v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and TWINS DEVELOPMENT, INC. et al.**
Cause called. Richard G. Grotch argued for petitioner. Jay-Allen Eisen argued for real parties in interest. Cause submitted.

At 10:02 a.m., the court recessed. At 10:05 a.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Nicholson, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

April 19, 2005, continued

- C045914 THE PEOPLE v. WARD (Not for Publication)**
The judgment is affirmed.
Raye, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C046354 THE PEOPLE v. NORTHINGTON, JR. (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C047743 THE PEOPLE v. SANCHEZ (Not for Publication)**
The challenged conditions are modified... As so modified, the judgment
(order reinstating defendant on probation) is affirmed.
Raye, J.
We Concur: Sims, Acting P.J.
Morrison, J.
- C048051 THE PEOPLE v. LOVE, JR. (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Raye, J.
Morrison, J.
- C041861 GRADLE et al. v. DOPPELMAYR USA, INC. (Not for Publication)**
The judgment is reversed as to the inclusion of expert witness fees in the
award of costs to Dopplemayr. In all other respects, the judgment is affirmed.
The parties shall bear their own costs on appeal.
MORRISON, J.
We Concur: Blease, Acting P.J.
Robie, J.
- C046565 WINTER v. BREWER (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Blease, Acting P.J.
Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

April 20, 2005, continued

At 11:01 a.m., the court recessed. At 11:05 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

C047193 VISION SERVICE PLAN v. DEPARTMENT OF MANAGED HEALTH CARE

Cause called. Douglas C. Ross argued and Robert E. Moss appeared only for appellant. Amy L. Dobberteen argued and Jennifer Gore appeared only for respondent. Cause submitted.

At 11:27 a.m., the court recessed. At 11:31 a.m., the court reconvened with Davis, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C045651 GLATFELTER v. GLATFELTER

Cause called. Patrick Curry argued for appellant. Frank M. Pacheco argued for respondent. Cause submitted.

At 12:01 a.m., the court recessed. At 12:04 a.m., the court reconvened with Morrison, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C044201 ANOLIK v. EMC MORTGAGE CORPORATION et al.

Cause called. Robert R. Schaldach argued for appellant. Steven K. Linkon argued for respondent. Cause submitted.

At 12:35 p.m., the court recessed until 9:30 a.m., Thursday, April 28, 2005.

C043678 THE PEOPLE v. PRICE

(Not for Publication)

The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Robie, J.

C044540 THE PEOPLE v. FRAZIER

(Certified for Partial Publication)

The judgment is affirmed.
ROBIE, J.
We Concur: Hull, Acting P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

April 20, 2005, continued

- C046961 THE PEOPLE v. KENYON (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C047024 THE PEOPLE v. O’KANE, JR. (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C047688 THE PEOPLE v. WILLIAMSON (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C047854 THE PEOPLE v. TELLERS (Not for Publication)**
The judgment is affirmed.
Robie, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C046336 In re T.T.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. O.T. (Not for Publication)**
The March 3, 2004 orders of the juvenile court are reversed, and the matter is remanded to the juvenile court...
MORRISON, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C047977 In re G.G.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES v. REBECCA G. (Not for Publication)**
The judgment (order terminating appellant’s parental rights) is affirmed.
BUTZ, J.
We Concur: Davis, Acting P.J.
Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

The Minutes

April 20, 2005, continued

C044989 SIERRA CLUB v. THE WEST SIDE IRRIGATION DISTRICT et al. and CITY OF TRACY

C045015 SIERRA CLUB v. BANTA-CARBONA IRRIGATION DISTRICT et al. and CITY OF TRACY (CERTIFIED FOR PUBLICATION)

THE COURT:

For good cause it now appears that the opinion in the above captioned case filed herein on March 22, 2005, should be published in the Official Reports and it is so ordered. (Certified for Publication.)

FOR THE COURT:

DAVIS, Acting P.J.

NICHOLSON, J.

ROBIE, J.

April 21, 2005

C046062 THE PEOPLE v. TINKER (Not for Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Sims, Acting P.J.

Morrison, J.

C041603 CALIFORNIA EARTH CORPS v. CALIFORNIA STATE LANDS COMMISSION et al. and DEVELOPERS DIVERSIFIED REALTY

(CERTIFIED FOR PUBLICATION)

The judgment is reversed. Earth Corps's petition for writ of mandate is granted. Earth Corps shall recover its costs on appeal.

RAYE, J.

I concur: Nicholson, J.

I concur in the judgment...

Blease, Acting P.J.

C047154 In re JULIANA M. et al.; SAN JOAQUIN COUNTY DEPARTMENT OF HUMAN SERVICES v. RUTH M. (Not for Publication)

The orders of the juvenile court are affirmed.

HULL, J.

We Concur: Davis, Acting P.J.

Raye, J.

C045489 THE PEOPLE v. KNOWLES

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

